

ANNUAL REPORT TO THE TWENTY-FIRST LEGISLATURE

REGULAR SESSION OF 2002

**ON THE STATUS OF THE ISSUANCE OF INCIDENTAL TAKE
LICENSES FOR ENDANGERED, THREATENED, PROPOSED,
AND CANDIDATE SPECIES; AND THE CONDITION OF
THE ENDANGERED SPECIES TRUST FUND**



Prepared by

**THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE**

In response to §195D-26, Hawaii Revised Statutes

Honolulu, Hawaii
November 2001

**ANNUAL REPORT ON THE STATUS OF THE ISSUANCE OF
INCIDENTAL TAKE LICENSES FOR ENDANGERED, THREATENED,
PROPOSED AND CANDIDATE SPECIES; AND THE CONDITION
OF THE ENDANGERED SPECIES TRUST FUND
FOR THE PERIOD JULY 1, 2000 – JUNE 30, 2001**

PURPOSE

Act 380, Session Laws of Hawaii 1997, amended the State Endangered Species Act, Chapter 195D, Hawaii Revised Statutes (HRS) to provide for the preparation and implementation of habitat conservation plans and safe harbor agreements, and to provide additional incentives for private landowners to recover and protect threatened and endangered species on their lands. One of the provisions of that Act (§195D-26, HRS) required that an annual report be prepared by the Department of Land and Natural Resources (DLNR) on the effectiveness of habitat conservation plans (HCP's) or safe harbor agreements (SHA's) issued under the act, and the status of all species for which incidental take licenses have been issued. In addition, the annual report must include a description of the condition of the Endangered Species Trust Fund established under §195D-31, HRS and any recommendations which would further the purposes of the chapter. This annual report is submitted to fulfill the reporting requirement for Fiscal Year 2001.

FINDINGS

**Effectiveness Of Habitat Conservation Plans And Safe Harbor
Agreements Issued Under Chapter 195D, HRS**

As of June 30, 2001, the Board of Land and Natural Resources (Board) had approved one SHA. This was the "Safe Harbor Agreement for the Reintroduction of Nene to Puu O'Hoku Ranch, Island of Molokai". This Agreement was signed early in Fiscal Year 2002 and the Department anticipates that it will result in nene being released on the Island of Molokai by December 2001.

A second SHA, the "Safe Harbor Agreement and Incidental Take Permit for Koloa (Hawaiian Duck) and Nene (Hawaiian Goose) on Umikoa Ranch, Island of Hawai'i," is near completion. Notice of this Agreement was published in the Office of Environmental Quality Control (OEQC) Bulletin on May 8, 2001 and a public hearing was scheduled for July 10, 2001 in Hilo, Island of Hawai'i. This Agreement has been reviewed and approved by the Endangered Species Recovery Committee, established under §195D-25, HRS, and was approved by the Board on September 28, 2001. The Department anticipates that this Agreement will be finalized by early December 2001.

Five other SHAS are in the development phase and are being reviewed by the U.S. Fish and Wildlife Service and the Department's Division of Forestry and Wildlife, before being released to the Endangered Species Recovery Committee. These agreements will cover approximately

twenty species of endangered or threatened plants and four species of endangered birds found on the islands of Kauai, Oahu, Molokai, and Hawai'i.

The Department is currently processing two applications for HCPs, one from the Housing and Community Development Corporation of Hawaii for a habitat conservation plan for *Abutilon menziesii* or Red 'ilima on Oahu, and the other for Hawaiian Stilt on the Kona Coast of the Island of Hawai'i.

The development of some new agreements is stalled, because an existing limitation in §195D-26, HRS, only allows owners of "fee simple interest in private land" to participate in safe harbor agreements and habitat conservation plans. This limitation currently prevents the Department from issuing incidental take licenses to other landowners, including County, State, and Federal agencies and lessees of public or private lands, and from carrying out valuable conservation work on such lands.

The approval of new agreements is also slowed by the lengthy review process undertaken by the Endangered Species Recovery Committee and the agencies. The availability of staff, at both the U. S. Fish and Wildlife Service and Division of Forestry and Wildlife, limits the development of new agreements. A grant from the U.S. Fish and Wildlife Service has provided funding for the Department to hire one staff person to work solely on SHAs and HCPs. This position began four days after the close of Fiscal Year (FY) 2001. The Department anticipates that the availability of dedicated staff will speed the development and review processes.

Endangered Species Recovery Committee

The following individuals served on the Endangered Species Recovery Committee during 2001:

Mr. Gilbert Coloma-Agaran, Chairperson, Board of Land and Natural Resources.
Designated Representative - Mr. Paul Conry, Wildlife Program Manager,
Division of Forestry and Wildlife, Honolulu, HI (Agency Representative)

Dr. Paul Henson, Ecoregion Manager, US Fish and Wildlife Service - Pacific Islands
Ecoregion. Designated Representative - Ms Gina Shultz, USFWS, Honolulu, HI
(Agency Representative)

Dr. William Steiner, Director, US Geological Service - Biological Resources Division,
Honolulu. Designated Representative - Dr. James Jacobi, USGS-BRD, Hawaii
National Park, HI (Agency Representative)

Dr. John Harrison, Executive Director, UH Environmental Center, University of Hawaii,
Manoa, HI (University Representative)

Mr. Jobriath Rohrer, Kaneohe, HI (Appointed Member, Term expires June 30, 2003).

Mr. Rick Warshauer, Volcano, HI (Appointed Member, Term expires June 30, 2003).

The Committee met once during the reporting period, held four conference calls, and exchanged correspondence on the processing of applications. The Committee reviewed and finalized comments on the “Safe Harbor Agreement and Incidental Take Permit for Koloa (Hawaiian Duck) and Nene (Hawaiian Goose) on Umikoa Ranch, Island of Hawai’i,” and the “Conservation Plan for Hawaiian Stilt at Cyanotech Aquaculture Facility, Keahole Point, Hawaii.”

Condition Of The Endangered Species Trust Fund (S-00-324-C)

The Department established the Endangered Species Trust Fund at the beginning of FY 1998.

Beginning Balance of Fund on July 1, 2000:	\$466.00
Revenues during FY 2000:	\$409.00
Expenditures during FY 2000:	0.00
Ending Balance of Fund on June 30, 2001:	\$875.00

No expenditures have been made out of the fund with revenue sources coming from private donations. A dedicated funding source is needed to provide a reliable and consistent source of revenue to carry out the legislative intent for this Fund.

Recommendations

1. The Legislature consider revising the definition of landowner under §195D-26, HRS, to allow more of the lands in the State to be eligible for safe harbor agreements and habitat conservation plans.
2. The Legislature provide the Department additional staff and resources to assist private landowners to develop and administer safe harbor agreements, habitat conservation plans, and incidental take licenses.